

REMARKS

The November 17, 2004 Official Action and the references cited therein have been carefully reviewed. In view of the amendments presented herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, Applicants note that claims 1-3, 7-11, 13-17, 20-22, 25-27, 29, 30, 32-38, 41, 42, and 47-49 are allowed. Additionally, the Examiner has withdrawn the finality of the August 30, 2004 Official Action.

The Examiner has rejected claim 31 for allegedly failing to satisfy both the enablement and written description requirements of 35 U.S.C. §112, first paragraph.

Claims 4-6 have also been rejected under 35 U.S.C. §112, second paragraph for alleged indefiniteness.

The foregoing rejections constitute all of the grounds set forth in the November 17, 2004 Official Action for refusing the present application.

No new matter has been introduced into this application by reason of any of the amendments presented herewith.

In view of the present amendment and the reasons set forth in this response, Applicants respectfully submit that the 35 U.S.C. §112, first paragraph rejections of claim 31 and the 35 U.S.C. §112, second paragraph rejection of claims 4-6, as set forth in the November 17, 2004 Official Action, cannot be maintained. These grounds of rejection are, therefore, respectfully traversed.

THE CLAIMS FULLY SATISFY THE REQUIREMENTS OF 35 U.S.C. §112, FIRST PARAGRAPH

The Examiner has rejected claim 31 for allegedly failing to satisfy the written description and enablement requirements of 35 U.S.C. §112, first paragraph. It is the

Examiner's position that while there is sufficient written description for *in vitro* differentiation toward a neural cell type, there is allegedly insufficient written description for any *in vitro* differentiating condition which would lead to producing a non-neural cell type. Additionally, the Examiner contends that the specification does not fully enable the production of any pre-selected cell type from a primitive neural stem cell, as claimed.

Applicants continue to respectfully disagree with the Examiner for the reasons already made of record in the Official Action response submitted February 28, 2003. Furthermore, Applicants submit that the present specification provides a detailed enabling disclosure of methods for differentiating a "primitive neural stem cell" into a neural cell. Indeed, at page 28, lines 19-25, differentiation into neurons, astrocytes, and oligodendrocytes is described wherein the differentiating condition was media containing serum, specifically, 1% fetal bovine serum.

However, in the sole interest of expediting prosecution of the instant application, Applicants have cancelled claim 31, thereby rendering the instant rejections moot. Applicants respectfully request the withdrawal of the rejections of claim 31 for allegedly failing to comply with the written description and enablement requirements of 35 U.S.C. §112, first paragraph.

**CLAIMS 4-6, AS AMENDED, SATISFY THE REQUIREMENTS OF
35 U.S.C. §112, SECOND PARAGRAPH**

The Examiner has rejected claims 4-6 under 35 U.S.C. §112, second paragraph for alleged indefiniteness. It is the Examiner's position that the metes and bounds of the recited cell densities are unclear.

Applicants have amended claims 4-6 to recite that the claimed cell densities fall within the range of greater

than 0 cells/ μ l to less than 50, 20, or 10 cells/ μ l, respectively. Support for this amendment can be found in the claims as originally filed and at page 4, lines 22-33.

In view of the foregoing, Applicants submit that the §112, second paragraph rejection of claims 4-6 is untenable and respectfully request its withdrawal.


CONCLUSION

In view of the amendments presented herewith and the foregoing remarks, it is respectfully urged that the rejections set forth in the November 17, 2004 Official Action be withdrawn and that this application be passed to issue.

In the event the Examiner is not persuaded as to the allowability of any claim, and it appears that any outstanding issues may be resolved through a telephone interview, the Examiner is requested to telephone the undersigned attorney at the phone number given below.

Respectfully submitted,
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By


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